

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

Antrell Jermaine Forham,)	C/A NO. 8:05-2230-CMC-BHH
)	
Plaintiff,)	
)	OPINION and ORDER
v.)	
)	
Cpl. A. Coker and PT1 C. Miller,)	
)	
Defendants.)	
_____)	

This matter is before the court on Plaintiff's *pro se* complaint alleging that money seized from him by the Defendants during a traffic stop was not returned to him in violation of his constitutional rights.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), DSC, this matter was referred to United States Magistrate Judge Bruce Howe Hendricks for pre-trial proceedings and a Report and Recommendation. On October 26, 2006, the Magistrate Judge issued a Report recommending that Defendants' motion for summary judgment be granted as to Plaintiff's federal cause of action, and that his state law causes of action "of whatever kind" be dismissed without prejudice. Report at 5 (Dkt. #30, filed Oct. 26, 2006). The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if he failed to do so. Plaintiff filed Objections on November 15, 2006.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which

a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

After reviewing the record of this matter, the applicable law, the Report and Recommendation of the Magistrate Judge, and the Objections, the court agrees with the conclusions of the Magistrate Judge relating to the cause of action Plaintiff brings under 42 U.S.C. § 1983. Plaintiff states in his objections that Defendants violated his Fourth Amendment rights when they seized money from the trunk of the stolen vehicle which Plaintiff was driving at the time of his arrest. However, Plaintiff advances no argument which this court could construe as legally sufficient to overcome the Magistrate Judge's Report or Defendants' motion on this point.¹

Defendants' motion for summary judgment is hereby granted and this case is dismissed with prejudice.²

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
November 29, 2006

¹Plaintiff's "Amended Complaint" states that Defendants violated his Fourth, Fifth, and Fourteenth Amendment rights by seizing the money without a search warrant. *See* Dkt. #15 at 1. Yet no warrant is required for an "inventory search" of a vehicle. *See South Dakota v. Opperman*, 428 U.S. 364, 372 (1976).

²Plaintiff has made no state law claim in his complaint, and this court does not take this opportunity to infer that he has stated any state law claim in this court.